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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Report of the Third Committee

Rapporteur: Ms. Oksana **Boiko** (Ukraine)

I. Introduction

1. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-seventh session the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 39th, 47th, 50th, 52nd, 53rd, 55th and 57th meetings, on 7, 13, 15 and from 18 to 21 November 2002. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/57/SR.39, 47, 50, 52, 53, 55 and 57).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Relevant sections of the report of the Economic and Social Council for 2002;[1]

(b) Report of the United Nations High Commissioner for Refugees, 2001;[2]

(c) Report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees;[3]

[1] A/57/3 (Parts I and II); for the final text, see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 3* (A/57/3/Rev.1).
[2] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 12* (A/57/12).
[3] Ibid., *Supplement No. 12A* (A/57/12/Add.1).

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(d) Report of the Secretary-General on assistance to refugees, returnees and displaced persons in Africa (A/57/324);

(e) Report of the Secretary-General on the new international humanitarian order (A/57/583);

(f) Letter dated 10 July 2002 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General (A/57/203).

4. At the 39th meeting, on 7 November, the United Nations High Commissioner for Refugees made an introductory statement (see A/C.3/57/SR.39).

5. At the same meeting, the Committee engaged in a dialogue with the United Nations High Commissioner for Refugees, in which the representatives of the United Republic of Tanzania, Pakistan, the Sudan, Norway, Japan, Burkina Faso, Canada, South Africa, Mali, Mexico, the Libyan Arab Jamahiriya, Ethiopia, Indonesia, Algeria, Nepal and Morocco took part (see A/C.3/57/SR.39).

II. Consideration of proposals

A. Draft resolution A/C.3/57/L.73

6. At the 53rd meeting, on 19 November, the representative of Ethiopia, on behalf of the States Members of the United Nations that are members of the Group of African States, as well as Chile, Croatia, Japan, Norway, Panama, Suriname and the former Yugoslav Republic of Macedonia, introduced a draft resolution entitled "Assistance to refugees, returnees and displaced persons in Africa" (A/C.3/57/L.73). Subsequently, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Canada, Denmark, Finland, Gabon, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution.

7. At the 55th meeting, on 20 November, the representative of Ethiopia orally revised the text as follows:

(a) In the fifteenth preambular paragraph, the words "in this regard" were added at the end of the paragraph;

(b) In the seventeenth preambular paragraph, the words "aggravated mainly" were replaced by the words "aggravated, among other things";

(c) In operative paragraph 19, the words "and other humanitarian organizations" after the words "Office of the High Commissioner" were deleted.

8. At the same meeting, the Committee adopted draft resolution A/C.3/57/L.73, as orally revised without a vote (see para. 20, draft resolution I).

B. Draft resolution A/C.3/57/L.74

9. At the 53rd meeting, on 19 November, the representative of Jordan, on behalf of Bangladesh, Bosnia and Herzegovina, Djibouti, the Dominican Republic, Ecuador, Jordan, Kazakhstan, Kuwait, Lebanon, Pakistan, Suriname and Thailand,

introduced a draft resolution entitled "New international humanitarian order" (A/C.3/57/L.74).

10. In introducing the draft resolution, the representative of Jordan orally revised the text as follows:

(a) The fifth preambular paragraph, which read:

"*Bearing in mind* that, as stated in the preamble to the Universal Declaration of Human Rights, the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people",

was deleted;

(b) In the seventh preambular paragraph (now sixth), the words "promoting a culture of compliance and strict adherence" were replaced by the words "promoting strict adherence";

(c) In the eighth preambular paragraph (now seventh), the words "the role that regional organizations can play to prevent and contain humanitarian crises" were replaced by the words "the role that regional organizations can play in certain cases to prevent humanitarian crises";

(d) In operative paragraph 1, the words "promoting an international humanitarian order corresponding to new realities and challenges" were replaced by the words "promoting a new international humanitarian order corresponding to new realities and challenges, including the development of an agenda for humanitarian action";

(e) Operative paragraph 2, which read:

"2. *Invites* Governments to provide expertise and the resources to identify the building blocks of such an order, to strengthen the early warning system at the national and international levels, to ensure adequate preparedness for prevention or containment of humanitarian crises and to take the necessary measures in addition to the ongoing activities",

was replaced by:

"2. *Calls upon* Governments to provide expertise and the necessary means to identify the building blocks of such an order and agenda, plan the architecture and undertake the required supplementary activities";

(f) A new operative paragraph 3 was added, reading:

"3. *Invites* the Secretary-General to continue to promote strict adherence to refugee law, international humanitarian law, human rights and internationally accepted norms and principles in situations of armed conflict and complex emergencies",

and the subsequent paragraphs were renumbered accordingly;

(g) In operative paragraph 5 (former paragraph 4), the words "as well as adjustment to new realities" were deleted after the words "require further strengthening";

(h) In operative paragraph 9 (former paragraph 8), the words "the relevant governmental and non-governmental bodies" were replaced by the words "the relevant international governmental and non-governmental bodies".

11. At its 57th meeting, on 21 November, the Committee adopted draft resolution A/C.3/57/L.74, as orally revised, without a vote (see para. 20, draft resolution II).

12. After the adoption of the draft resolution, statements were made by the representatives of Canada (also on behalf of Australia, Iceland, Liechtenstein, New Zealand, Norway and Switzerland), Jordan, Brazil (also on behalf of Bolivia and Chile), the United States of America, India, the Czech Republic, Egypt, the Sudan and Algeria (see A/C.3/57/SR.57).

C. Draft resolution A/C.3/57/L.77

13. At the 52nd meeting, on 18 November, the representative of Cyprus, on behalf of Bangladesh, Croatia, Cyprus, Ethiopia, the Gambia, Kenya, the Sudan and Yemen, introduced a draft resolution entitled "Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees" (A/C.3/57/L.77). Subsequently, Benin, Lebanon, Malta, Nigeria and Qatar joined in sponsoring the draft resolution.

14. At its 55th meeting, on 20 November, the Committee adopted draft resolution A/C.3/57/L.77 without a vote (see para. 20, draft resolution III).

15. After the adoption of the draft resolution, statements were made by the representatives of Turkey and Cyprus (see A/C.3/57/SR.55).

D. Draft resolution A/C.3/57/L.78

16. At the 52nd meeting, on 18 November, the representative of Sweden, on behalf of Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, the Congo, Costa Rica, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Djibouti, the Dominican Republic, Ecuador, El Salvador, Eritrea, Ethiopia, Finland, France, Gabon, the Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guyana, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, the Netherlands, New Zealand, Nicaragua, the Niger, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, Romania, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, the Sudan, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America, Vanuatu, Yugoslavia, Zambia and Zimbabwe, introduced a draft resolution entitled "Continuation of the Office of the United Nations High Commissioner for Refugees" (A/C.3/57/L.78). Subsequently, Botswana, Brazil, Dominica, Guatemala,

Haiti, Mauritius, the Republic of Moldova, Samoa, Togo, Uruguay and Venezuela joined in sponsoring the draft resolution.

17. At its 55th meeting, on 20 November, the Committee adopted draft resolution A/C.3/57/L.78 without a vote (see para. 20, draft resolution IV).

E. Draft resolution A/C.3/57/L.79

18. At the 52nd meeting, on 18 November, the representative of Sweden, on behalf of Afghanistan, Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, the Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, the Congo, Costa Rica, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, the Dominican Republic, Ecuador, El Salvador, Eritrea, Ethiopia, Finland, France, Gabon, the Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, the Netherlands, New Zealand, Nicaragua, the Niger, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, the Sudan, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America, Vanuatu, Yugoslavia, Zambia and Zimbabwe, introduced a draft resolution entitled "Office of the United Nations High Commissioner for Refugees" (A/C.3/57/L.79). Subsequently, Brazil, Lesotho, Samoa and Togo joined in sponsoring the draft resolution.

19. At its 55th meeting, on 20 November, the Committee adopted draft resolution A/C.3/57/L.79 without a vote (see para. 20, draft resolution V).

III. Recommendations of the Third Committee

20. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling its resolution 56/135 of 19 December 2001,

Recalling also the provisions of its resolution 2312 (XXII) of 14 December 1967, by which it adopted the Declaration on Territorial Asylum,

Recalling further the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969[4] and the African Charter on Human and Peoples' Rights,[5]

Recalling the Khartoum Declaration[6] and the Recommendations on Refugees, Returnees and Internally Displaced Persons in Africa[7] adopted by the Organization of African Unity at the ministerial meeting held at Khartoum on 13 and 14 December 1998,

Welcoming decision CM/Dec.667 (LXXVI) on the situation of refugees, returnees and displaced persons in Africa adopted by the Council of Ministers of the Organization of African Unity at its seventy-sixth ordinary session, held at Durban, South Africa, from 28 June to 6 July 2002,

Welcoming also decision AHG/Dec.165 (XXXVII) on the fiftieth anniversary of the adoption of the 1951 Convention relating to the Status of Refugees adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-seventh ordinary session, held at Lusaka from 9 to 11 July 2001,[8]

Recalling General Assembly resolution 57/2 of 16 September 2002 on the United Nations Declaration on the New Partnership for Africa's Development, and affirming that international support for the implementation of the New Partnership for Africa's Development is essential, notably as it relates to refugees, returnees and displaced persons,

Reaffirming that the 1951 Convention relating to the Status of Refugees,[9] together with the 1967 Protocol thereto,[10] as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee protection regime in Africa,

Recognizing that the fundamental principles and rights embodied in those Conventions have provided a resilient protection regime within which millions of refugees have been able to find safety from armed conflicts and persecution,

Welcoming in that regard the Declaration adopted at the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees,[11] held at Geneva on 12 and 13 December 2001, as an expression of their collective commitment to full and effective implementation of the Convention and Protocol,

Recalling the Comprehensive Implementation Plan adopted by the Special Meeting of Governmental and Non-Governmental Technical Experts convened by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees at Conakry from 27 to 29 March 2000 on the occasion of the thirtieth anniversary of the adoption of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa, and noting

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[4] United Nations, *Treaty Series*, vol. 1001, No. 14691.
[5] Ibid., vol. 1520, No. 26363.
[6] A/54/682, annex I.
[7] Ibid., annex II.
[8] See A/56/457, annex I.
[9] United Nations, *Treaty Series*, vol. 189, No. 2545.
[10] Ibid., vol. 606, No. 8791.
[11] HCR/MMSP/2001/10, annex I.

its endorsement by the Council of Ministers of the Organization of African Unity at its seventy-second ordinary session,[12]

Commending the First Ministerial Conference on Human Rights in Africa of the Organization of African Unity, held at Grand Bay, Mauritius, from 12 to 16 April 1999, and recalling the attention paid to issues relevant to refugees and displaced persons in the Declaration and Plan of Action adopted by the Conference,

Recognizing the contributions made by African States to the development of regional standards for the protection of refugees and returnees, and noting with appreciation that countries of asylum are hosting refugees in a humanitarian spirit and in a spirit of African solidarity and brotherhood,

Recognizing also the need for States to address resolutely the root causes of forced displacement and to create conditions that facilitate durable solutions for refugees and displaced persons, and stressing in that regard the need for States to foster peace, stability and prosperity throughout the African continent to forestall large refugee flows,

Convinced of the need to strengthen the capacity of States to provide assistance to and protection for refugees, returnees and displaced persons and of the need for the international community, within the context of burden-sharing, to increase its material, financial and technical assistance to the countries affected by refugees, returnees and displaced persons, to simultaneously address the inadequacies of existing assistance arrangements and to support initiatives in this regard,

Acknowledging with appreciation that some assistance is already rendered by the international community to refugees, returnees and displaced persons and host countries in Africa,

Deeply concerned about the continuing critical humanitarian situation in African countries, in particular in the Horn of Africa and southern Africa, aggravated, among other things, by persistent natural disasters, including drought, floods and desertification, which can precipitate the displacement of people,

Noting with great concern that, despite all the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remains precarious,

Stressing that the provision of relief and assistance to African refugees by the international community should be on equitable and non-discriminatory basis,

Considering that, among refugees, returnees and internally displaced persons, women and children are the majority of the population affected by conflict and bear the brunt of atrocities and other consequences of conflict,

1. *Takes note* of the reports of the Secretary-General[13] and the United Nations High Commissioner for Refugees;[14]

2. *Notes with concern* that the deteriorating socio-economic situation, compounded by political instability, internal strife, human rights violations and

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[12] See A/55/286, annex I, decision CM/Dec.531 (LXXII), para. 8.

[13] A/57/324.

[14] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 12* (A/57/12).

natural disasters, has led to increased numbers of refugees and displaced persons in some countries of Africa, and remains particularly concerned about the impact of large-scale refugee populations on the security, socio-economic situation and environment of countries of asylum;

3. *Encourages* African States to ensure the full implementation of and follow-up to the Comprehensive Implementation Plan adopted by the Special Meeting of Governmental and Non-Governmental Technical Experts convened by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees at Conakry from 27 to 29 March 2000, on the occasion of the thirtieth anniversary of the adoption of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969;[4]

4. *Calls upon* States and other parties to armed conflict to observe scrupulously the letter and the spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

5. *Expresses its appreciation* for the leadership shown by the United Nations High Commissioner for Refugees since assuming office in January 2001, and commends the Office of the High Commissioner for its ongoing efforts, with the support of the international community, to assist African countries of asylum and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;

6. *Takes note* of the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees[11] as an expression of their collective commitment to full and effective implementation of the Convention[9] and Protocol;[10]

7. *Welcomes* the contribution of the process of Global Consultations on International Protection to strengthening the international framework for refugee protection and to equipping States to better address the challenges in a spirit of dialogue and cooperation, and welcomes in that connection the Agenda for Protection;[15]

8. *Reaffirms* that the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, as complemented by the Organization of African Unity Convention of 1969, remain the foundation of the international refugee protection regime in Africa, encourages African States that have not yet done so to accede to those instruments, and calls upon States parties to the Conventions to reaffirm their commitment to their ideals and to respect and observe their provisions;

9. *Notes* the need for States to address the root causes of forced displacement in Africa, and calls upon African States, the international community and relevant United Nations organizations to take concrete action to meet the needs of refugees, returnees and displaced persons for protection and assistance and to contribute generously to national projects and programmes aimed at alleviating their plight;

10. *Also notes* the link, inter alia, between human rights violations, poverty, natural disasters and environmental degradation and population displacement, and

[15] Ibid., *Supplement No. 12A* (A/57/12/Add.1), annex IV.

calls for redoubled and concerted efforts by States, in collaboration with the African Union, to promote and protect human rights for all and to address those problems;

11. *Encourages* the Office of the United Nations High Commissioner for Refugees to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights and the African Commission on Human and People's Rights, within their respective mandates, in the promotion and protection of the human rights and fundamental freedoms of refugees, returnees and displaced persons in Africa;

12. *Notes with appreciation* the ongoing mediation and conflict resolution efforts carried out by African States, the African Union and subregional organizations, as well as the establishment of regional mechanisms for conflict prevention and resolution, and urges all relevant parties to address the humanitarian consequences of conflicts;

13. *Expresses its appreciation and strong support* for those African Governments and local populations that, in spite of the general deterioration of socio-economic and environmental conditions and overstretched national resources, continue to accept the additional burden imposed upon them by increasing numbers of refugees and displaced persons, in compliance with the relevant principles of asylum;

14. *Welcomes* the decision of African heads of State and Government to address the situation of refugees, returnees and displaced persons in Africa within the context of the New Partnership for Africa's Development;

15. *Expresses its concern* about instances in which the fundamental principles of asylum are jeopardized by unlawful expulsion or refoulement or by threats to the life, physical security, integrity, dignity and well-being of refugees;

16. *Calls upon* States, in cooperation with international organizations, within their mandates, to take all necessary measures to ensure respect for the principles of refugee protection, and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements;

17. *Deplores* the deaths, injuries and other forms of violence sustained by staff members of the Office of the United Nations High Commissioner for Refugees; urges States, parties to conflict and all other relevant actors to take all necessary measures to protect activities related to humanitarian assistance, to prevent attacks on and kidnapping of national and international humanitarian workers and to ensure their safety and security, calls upon States to investigate fully any crime committed against humanitarian personnel and to bring to justice persons responsible for such crimes, and calls upon organizations and aid workers to abide by the national laws and regulations of the countries in which they operate;

18. *Condemns* any exploitation of refugees, especially their sexual exploitation, and calls for those responsible for such deplorable acts to be brought to justice;

19. *Welcomes* the decision by the Office of the High Commissioner to put into place a code of conduct for humanitarian personnel aimed at preventing the exploitation of refugees, especially in the area of sexual exploitation;

20. *Calls upon* the Office of the High Commissioner, the African Union, subregional organizations and all African States, in conjunction with agencies of the United Nations system, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the international refugee protection system;

21. *Calls upon* the Office of the High Commissioner, the international community and other concerned entities to intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities;

22. *Reaffirms* the right of return and also the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

23. *Notes with satisfaction* the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration operations carried out by the Office of the High Commissioner with the cooperation and collaboration of countries hosting refugees and countries of origin, and looks forward to other programmes to assist the voluntary repatriation and reintegration of all refugees in Africa;

24. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden-sharing, to the third-country resettlement requests of African refugees, and notes with appreciation that some African countries have offered resettlement places for refugees;

25. *Calls upon* the international donor community to provide financial and material assistance for the implementation of community-based development programmes in refugee-hosting areas, in agreement with host countries, which benefit both refugees and host communities, as appropriate;

26. *Welcomes* the programmes carried out by the Office of the High Commissioner with host Governments, the United Nations, non-governmental organizations and the international community to address the environmental and socio-economic impact of refugee populations;

27. *Calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum;

28. *Expresses its concern* about the long stay of refugees in certain African countries, and calls upon the Office of the High Commissioner to keep its programmes under review, in conformity with its mandate in the host countries, taking into account the increasing needs of refugees;

29. *Emphasizes* the need for the Office of the High Commissioner to collate statistics, on a regular basis, on the number of refugees living outside refugee camps in certain African countries with a view to evaluating and addressing the needs of those refugees;

30. *Urges* the international community, in a spirit of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

31. *Requests* all Governments and intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children and displaced persons, including those with special protection needs;

32. *Calls upon* States and the Office of the High Commissioner to make renewed efforts to ensure that the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

33. *Expresses grave concern* about the plight of internally displaced persons in Africa, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, recalls in that regard the Guiding Principles on Internal Displacement,[16] and urges the international community, led by relevant United Nations organizations, to contribute generously to national projects and programmes aimed at alleviating the plight of internally displaced persons;

34. *Invites* the Representative of the Secretary-General on internally displaced persons to continue his ongoing dialogue with Member States and the intergovernmental and non-governmental organizations concerned, in accordance with his mandate, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;

35. *Requests* the Secretary-General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General Assembly at its fifty-eighth session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions", and to present an oral report to the Economic and Social Council at its substantive session of 2003.

[16] E/CN.4/1998/53/Add.2, annex.

Draft resolution II
New international humanitarian order

The General Assembly,

Recalling its resolution 55/73 of 4 December 2000 and those preceding it concerning the promotion of a new international humanitarian order and cooperation in the humanitarian field,[17]

Taking note of the report of the Secretary-General[18] and his previous reports[19] containing the views of Governments and of intergovernmental and non-governmental organizations,

Recalling its resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, and the annex thereto,

Noting with appreciation the continuing efforts of the Inter-Agency Standing Committee and the Office for the Coordination of Humanitarian Affairs in the context of the international response to emergencies,

Reaffirming the importance of adherence to internationally accepted norms and principles and the need to promote, as required, national and international legislation to meet actual and potential humanitarian challenges,

Noting the emphasis placed by the Secretary-General on promoting strict adherence to refugee law, international humanitarian law and human rights instruments,

Recognizing the importance of action at the national and regional levels and the role that regional organizations can play in certain cases to prevent humanitarian crises,

Aware of the important role that non-governmental agencies and the private sector can play in the humanitarian context,

Recalling Economic and Social Council resolution 2002/32 of 26 July 2002 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations,

1. *Expresses its appreciation* for the continuing efforts of the Secretary-General in the humanitarian field, and urges Governments to assist him in promoting a new international humanitarian order corresponding to new realities and challenges, including the development of an agenda for humanitarian action;

2. *Calls upon* Governments to provide expertise and the necessary means to identify the building blocks of such an order and agenda, plan the architecture and undertake the required supplementary activities;

3. *Invites* the Secretary-General to continue to promote strict adherence to refugee law, international humanitarian law, human rights and internationally

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[17] Resolutions 36/136, 37/201, 38/125, 40/126, 42/120, 42/121, 43/129, 43/130, 45/101, 45/102, 47/106, 49/170, 51/74 and 53/124.

[18] A/57/583.

[19] A/37/145, A/38/450, A/40/358, and Add.1 and 2, A/41/472, A/43/734 and Add.1, A/45/524, A/47/352, A/49/577 and Corr.1, A/51/454, A/53/486 and A/55/545.

accepted norms and principles in situations of armed conflict and complex emergencies;

4. *Reiterates* that international cooperation in the humanitarian field facilitates better understanding, mutual respect, confidence and tolerance among countries and peoples, thus contributing to a more just and non-violent world;

5. *Recognizes* that institutional arrangements and actions by governmental and non-governmental bodies require further strengthening so that they can respond more effectively and speedily to contemporary humanitarian problems;

6. *Invites* the Member States, the Secretary-General and the United Nations system to strengthen the capacities of regional and subregional organizations in the context of the response to complex humanitarian crises;

7. *Encourages* the private sector and non-governmental bodies to assist and support national and international efforts to respond to humanitarian challenges and to alleviate human suffering;

8. *Invites* the Independent Bureau for Humanitarian Issues to further reinforce its activities and its cooperation with the Office for the Coordination of Humanitarian Affairs of the Secretariat and the other relevant bodies of the United Nations system;

9. *Requests* the Secretary-General to remain in contact with Governments and the relevant international governmental and non-governmental bodies and to report to the General Assembly at its fifty-ninth session on the progress made concerning the promotion of a new international humanitarian order and compliance with refugee law, international humanitarian law and human rights instruments in armed conflicts and emergency situations.

Draft resolution III
Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decision 2002/288 of 25 July 2002 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the requests regarding the enlargement of the Executive Committee contained in the note verbale dated 3 October 2001 from the Permanent Mission of Kenya to the United Nations addressed to the Secretary-General,[20] in the note verbale dated 19 October 2001 from the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General[21] and in the letter dated 12 June 2002 from the Permanent Representative of Yemen to the United Nations addressed to the Secretary-General,[22]

[20] E/2002/8.
[21] E/2002/7.
[22] E/2002/75.

1. *Decides* to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from sixty-one to sixty-four States;

2. *Requests* the Economic and Social Council to elect the additional members at its resumed organizational session for 2003.

Draft resolution IV
Continuation of the Office of the United Nations High Commissioner for Refugees

The General Assembly,

Recalling its resolution 52/104 of 12 December 1997, in which it decided to review, not later than at its fifty-seventh session, the arrangements for the Office of the United Nations High Commissioner for Refugees with a view to determining whether the Office should be continued beyond 31 December 2003,

Recognizing the need for concerted international action on behalf of refugees and displaced persons of concern to the United Nations High Commissioner for Refugees,

Considering the outstanding work that has been performed by the Office of the High Commissioner in providing international protection and material assistance to refugees and displaced persons, as well as in promoting permanent solutions to their problems,

Noting with deep appreciation the effective manner in which the Office of the High Commissioner has been dealing with various essential humanitarian tasks entrusted to it,

1. *Decides* to continue the Office of the United Nations High Commissioner for Refugees for a further period of five years from 1 January 2004;

2. *Also decides* to review, not later than at its sixty-second session, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 2008;

3. *Further decides* to consider at its fifty-eighth session proposals of the High Commissioner on the basis of his report, prepared in consultation with the Executive Committee of the Programme of the High Commissioner and the Secretary-General, regarding the strengthening of the capacity of the Office to carry out its mandate.

Draft resolution V
Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office[23] and the report of the Executive Committee

[23] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 12* (A/57/12).

of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-third session[24] and the conclusions and decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the High Commissioner for Refugees since its establishment by the General Assembly,

Expressing its appreciation for the leadership shown by the High Commissioner, and commending the staff and implementing partners of the Office of the High Commissioner for the competent, courageous and dedicated manner in which they discharge their responsibilities,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-third session;[24]

2. *Welcomes* the important work undertaken by the Office of the High Commissioner and its Executive Committee in the course of the year and notes in this context the conclusion on the civilian and humanitarian character of asylum,[25] the conclusion on reception of asylum-seekers in the context of individual asylum systems[26] and the progress achieved with respect to recognizing the important contribution of host developing countries; welcomes also the importance attached to cooperation with the New Partnership for Africa's Development; welcomes further the active engagement of the Office of the High Commissioner in the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises and the drafting of a policy on sexual exploitation, and encourages the Office of the High Commissioner to continue combating such practices; and welcomes the renewed efforts made by the Office of the High Commissioner to promote durable solutions for refugees;

3. *Notes* that the 1951 Convention relating to the Status of Refugees[27] and the 1967 Protocol thereto[28] have continuously served as the cornerstone of the international refugee protection regime, and welcomes in this context the Declaration adopted at the Ministerial Meeting of States Parties to the Convention and/or its Protocol,[29] held at Geneva on 12 and 13 December 2001 to commemorate the fiftieth anniversary of the Convention, as an expression of their collective commitment to full and effective implementation of the Convention and Protocol and to the values they embody;

4. *Reaffirms* that the 1951 Convention and the 1967 Protocol thereto remain the foundation of the international refugee regime, and recognizes the importance of their full application by States parties, notes with satisfaction that one hundred and forty-four States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines in particular the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

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[24] Ibid., *Supplement No. 12A* (A/57/12/Add.1).
[25] Ibid., chap. III, sect. C.
[26] Ibid., sect. B.
[27] United Nations, *Treaty Series*, vol. 189, No. 2545.
[28] Ibid., vol. 606, No. 8791.
[29] HCR/MMSP/2001/10, annex I.

5. *Notes* that fifty-four States are now parties to the 1954 Convention relating to the Status of Stateless Persons[30] and that twenty-six States are parties to the 1961 Convention on the Reduction of Statelessness,[31] and encourages the High Commissioner to continue his activities on behalf of stateless persons;

6. *Welcomes* the contribution of the process of Global Consultations on International Protection to strengthening the international framework for refugee protection and to equipping States better to address the challenges in a spirit of dialogue and cooperation, and welcomes in this connection the Agenda for Protection;[32]

7. *Reiterates* that international protection is a dynamic and action-oriented function, carried out in cooperation with States and other partners, inter alia, to promote and facilitate the admission, reception and treatment of refugees and to ensure durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups;

8. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions;

9. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of and reducing the heavy burden borne by countries that have received large numbers of refugees and asylum-seekers, and calls upon the Office of the High Commissioner to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, particularly least developed countries, and countries with economies in transition;

10. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, recalls that these solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, reaffirming that voluntary repatriation remains the preferred solution, supported by necessary rehabilitation and development assistance to facilitate sustainable reintegration;

11. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

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[30] United Nations, *Treaty Series*, vol. 360, No. 5158.

[31] Ibid., vol. 989, No. 14458.

[32] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 12A* (A/57/12/Add.1), annex IV.

12. *Recognizes* that adequate and timely resources are essential for the Office of the High Commissioner to continue to fulfil the mandate conferred upon it through its statute,[33] and by subsequent General Assembly resolutions concerning refugees and other persons of concern, and urges Governments and other donors to respond promptly to the global appeal issued by the Office for requirements under its annual programme budget;

13. *Requests* the High Commissioner to report on his activities to the General Assembly at its fifty-eighth session.

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[33] Resolution 428 (V), annex.